

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ZENIMAX MEDIA INC. and  
ID SOFTWARE LLC,

Plaintiffs,

V.

OCULUS VR, LLC,  
PALMER LUCKEY,  
and FACEBOOK, INC.

Defendants.

[illegible]

**CIVIL CASE NO. 3:14-cv-01849-P**

**PLAINTIFFS' UNOPPOSED MOTION TO WITHDRAW THEIR  
MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION AND  
INTERROGATORIES, AND ASSOCIATED APPENDIX  
(Docket Nos. 137–138)**

Plaintiffs ZeniMax Media Inc. and id Software LLC (collectively, “ZeniMax”) hereby move to withdraw their Motion To Compel Responses to Requests for Production and Interrogatories (Docket No. 137) and the associated appendix (Docket No. 138). That motion addressed Defendants’ apparent failure to provide supplemental responses to discovery requests by a promised date. Defendants’ counsel has informed the undersigned counsel for ZeniMax that those requests were in fact served via electronic mail on that date. There appears to have been some issue with the transmission of that electronic mail message such that it was not received by all of ZeniMax’s counsel. ZeniMax reserves all of its rights with respect to Defendants’ supplemental responses and objections, but with the Court’s permission would withdraw its present Motion and associated appendix.

Dated: April 28, 2015

Respectfully submitted,

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ZeniMax Media Inc. and id Software LLC*

### **CERTIFICATE OF CONFERENCE**

On April 28, 2015, Phillip B. Philbin, counsel for Plaintiffs, conferred in good faith with Richard A. Smith, counsel for Defendants, regarding the relief requested by this Motion. Defendants' counsel advised that Defendants are not opposed to the granting of the relief sought by this Motion.

Dated: April 28, 2015

s/ Phillip B. Philbin  
Phillip B. Philbin

### **CERTIFICATE OF SERVICE**

On April 28, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: April 28, 2015

s/ Phillip B. Philbin  
Phillip B. Philbin